

REMARKS

Claims 1-20 are pending in the present application. Claims 1, 12 and 19 are the independent claims.

Applicants appreciate the Examiner's acknowledgment of Applicants' priority claim made pursuant to the first paragraph of the present application. As requested, Applicants have amended the specification appropriately herein to add the serial numbers of related patent applications and patents, where appropriate. As an initial formal matter, Applicants also respectfully request acknowledgment of the formal drawings filed with the present application on July 13, 2001.

The 3/25/05 Official Action

In the Official Action, dated March 25, 2005, claim 1-20 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by US Patent No. 6,389,467 (Eyal). Reconsideration and withdrawal of the rejection based on 35 U.S.C. § 102 is respectfully requested in view of the following remarks.

Summary of the Invention

The present invention provides systems and methods whereby automated DSP processing of raw media entities is performed to create a persistent data store having DSP processed media entities. The present invention leverages the automated DSP processing to participating users through the creation of the persistent data store. In operation, a computing environment having one or more computing elements (e.g. a distributed computing

environment) operates an automated DSP process that coordinates the DSP processing of media entities in the computing environment.

Raw media entity data is first processed to **determine which data and/or sub-set of data is to be DSP processed**. After the determination phase, the present invention spawns at least one process to execute in the computing environment that will **perform DSP processing on the identified data**. The **DSP processed data is then stored in a persistent data store in data sets** that are representative of one or more characteristics of the original raw media entity data sets. The persistent data store may be leveraged to participating users through a computing application that distributes media entities. Further, the automated DSP processing system and methods of the present invention may be incorporated into a music matching and analysis system. These collective features of the invention are not known in the prior art.

Claims Rejected Under 35 U.S.C. § 102(e)

As mentioned, claims 1-20 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Eyal. The Action relies on module 290 of Fig. 2 of Eyal and the corresponding description found at Col. 16, lines 43-54 for disclosure of a system that automatically performs digital signal processing (DSP) on media entities. However, Applicants merely understand that passage to disclose generating metadata for media entities, which metadata may be classifier metadata. This is not DSP processing, however, which involves processing the actual audio (or video) content signal represented by the media entity, by processing a digital representation of the media entity. In this regard, module 290 is merely understood to:

access media and metadata table 247 **to add metadata** and **to categorize media associated with media links** in media and metadata table 247. The automatic

process generates metadata such as music genre by consulting with information stored in other records in media and metadata table 247. For example, the module can automatically set the genre metadata information for all media creations available in the table, for a given artists, according to genre metadata entered for one or more media creations by the same artists. This process greatly contributes the efficiency and scalability of the back-end system. **Col. 16, lines 43-54**

Accordingly, Applicants respectfully submit that Eyal merely discloses that the module 290 can generate metadata automatically based on other metadata for other records in the database, but cannot process the media entity itself according to DSP techniques to form its own classification information independent of other metadata.

Thus, in contrast, with Applicants' invention, as recited in claim 1, for instance, a method is provided for "automatically performing digital signal processing (DSP) processing on media entities comprising the steps of identifying media entity data for DSP processing, processing said identified media entity data in a computing environment having at least one computer server to create DSP processed media entity data; and aggregating said DSP processed data for storage in a persistent data store." In short, creating metadata that includes classification information is not the same as identifying media entity data for DSP processing, and then creating such DSP processed media entity data. Nowhere is Eyal or any of the cited art of record understood to teach or suggest at least this feature of the invention.

Each of claims 12 and 19 recite similar limitations requiring automatic identification and DSP processing of media entity data, and are believed allowable for the same reasons. Moreover, claims 2-11, 13-18, and 20 depend directly or indirectly from independent claims 1, 12 and 19, respectively, and are believed allowable for the same reasons.

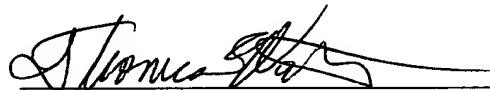
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PATENT

CONCLUSION

Applicants believe that the present reply is responsive to each of the points raised by the Examiner in the Office Action, and submit that claims 1-20 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner's earliest convenience is earnestly solicited.

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